



Appeal Decision

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/P5870/W/24/3351028

12A Station Road, Belmont, Sutton, SM2 6BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Duffy of MD Private Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/00447.
 - The development proposed is described on the application form as “conversion of the existing 2 bedroom flat known as 12a Station Road, Belmont, into 1x one bedroom flat and 1x studio flat with ancillary parking”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework was published in December 2024. This does not raise any matters that require me to seek representations from the main parties in this case.

Main Issue

3. The main issue is whether the proposal would make satisfactory provision to reduce carbon emissions and water consumption.

Reasons

4. The appeal site relates to 12A Station Road, which forms part of a three storey terraced building located on the southern side of Station Road within an area of mixed commercial and residential character. The building includes a ground floor commercial unit and flats on the upper floors. No 12A is a two bedroom self contained flat situated on the first floor level.
5. The appeal proposal is for the subdivision of No 12A to form two self contained flats. The main dispute between the two parties relates to whether the proposal should be required to meet the energy efficiency aims of Policy 31 of the Sutton Local Plan 2018 (Local Plan), which sets out that minor residential developments should achieve at least a 35% reduction in regulated CO2 emissions on site.
6. Planning permission was granted in 2020 for the conversion and extension of 12 Station Road to form three flats on the upper floors¹. That permission, which has been implemented, included a condition requiring the submission of an energy

¹ Council ref. DM2019/00434

statement to demonstrate how the development would achieve at least a 35% reduction in CO2 emissions below the target emission rate based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions by on-site renewable energy generation. The condition was subsequently discharged on the basis of an energy statement which demonstrated a reduction of about 36% compared to Part L of the 2013 Building Regulations baseline.

7. The appellant contends that a further 35% reduction in addition to that achieved by the previous development would impose an excessive burden on the scheme and be impossible to achieve. However, the previous development was undertaken some years ago, and the baseline for the 35% emissions reduction targets has changed with the Part L 2021 Building Regulations which came into force after the implementation of the previous development. Local Plan Policy 31 is clear that all minor residential developments should meet the requirements for carbon emissions reductions. It does not exempt proposals from this requirement on the basis that a previous development on the site met the targets at that time.
8. The energy statement shows that the appeal proposal would achieve a reduction of 1.46% in CO2 emissions which would be derived from minimising energy demand from the building through a high thermal performance. That would fall well short of the requirement for a 35% reduction. There is no substantive evidence before me to show that it would not be feasible or viable to do so. The energy statement states that low and zero carbon technologies are unviable, but it contains only a brief explanation as to why each of the technologies is unsuitable. It says, for example, that there is insufficient roof space available for solar panels or photovoltaics. However, the building appears to have a large roof area to the rear which may be suitable for such an array. Therefore, I cannot be satisfied that the potential of these has been comprehensively assessed.
9. It has also not been demonstrated that the proposal would meet the water efficiency targets set out in Local Plan Policy 33 which require all new dwellings to limit domestic water consumption to 110 litres per person per day. However, this matter could have been dealt with by way of a condition requiring water use to meet the requirements of the policy, had I been minded to allow the appeal.
10. Although I therefore find that the proposal would make adequate provision to reduce water consumption, I conclude that it would fail to make adequate provision to reduce carbon emissions. The proposal would therefore conflict with Local Plan Policy 31 which seeks to secure energy efficient and sustainable development.

Conclusion

11. The proposal would contribute to the borough's housing supply, employment opportunities would be created during the conversion works, and future occupiers would provide support for local services. Given the scale of the development, I attach limited weight to these matters which is outweighed by the harm identified.
12. The proposal does not accord with the development plan as a whole and there are no other considerations to indicate that I should take a different decision other than in accordance with this. I therefore conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR